

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote Policy
and Program Coordination and Integration in
Electric Utility Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

Order Instituting Rulemaking to Promote
Consistency in Methodology and Input
Assumptions in Commission Applications of
Short-run and Long-run Avoided Costs,
Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025
(Filed April 22, 2004)

**ADMINISTRATIVE LAW JUDGES' RULING
MODIFYING SCHEDULE FOR PROCEEDING**

A telephonic conference was held on September 26, 2005, to address the schedule in this proceeding. The parties report progress in their efforts to prepare this case for hearing, but expressed significant concern regarding the need for additional time to prepare rebuttal testimony, as well as the anticipated need for additional time to allow for a further round of discovery following receipt of the rebuttal testimony given the volume and complexity of the discovery requests tendered and the testimony served. The parties do not believe that the current schedule is feasible. In response to these concerns, the Administrative Law Judges developed a revised schedule for this proceeding that will allow parties additional needed time to prepare for rebuttal testimony and evidentiary hearing. The revised schedule for this proceeding is as follows:

Event	Date
Rebuttal Testimony Due	October 28, 2005
Prehearing Conference	November 29, 2005
Evidentiary Hearings	January 18, 2006 through February 3, 2006, as necessary
Concurrent Opening Briefs	March 3, 2006
Concurrent Responding Briefs	March 17, 2006

In order to avoid any further delay in this proceeding, the parties are reminded that all discovery issues should be resolved expeditiously. The parties must promptly meet and confer in a good faith effort to resolve any disputes, and if that fails, any party may promptly file a written motion in accordance with Rule 45. All discovery issues must be resolved by the November 29, 2005, Prehearing Conference (PHC). Parties seeking to cross-examine witnesses at the evidentiary hearing should provide a written estimate of the amount of cross-examination time requested by November 28, 2005. Parties sponsoring witnesses should also provide a proposed schedule of witnesses and identify any witness constraints by November 28, 2005.

Finally, in response to a request from some of the parties, someone from the Commission's Alternative Dispute Resolution group will be available immediately following the PHC to discuss whether or not Commission-assisted mediation might be efficacious in narrowing the issues for evidentiary hearing. The mediator will be available to either initiate the mediation at that time or discuss the schedule for mediation at a later date.

IT IS RULED that:

1. The schedule for the remainder of this proceeding is as set forth in the table above.
2. The schedule set forth in the September 9, 2005 Administrative Law Judges' Ruling Revising Schedule for Serving Phase 2 Rebuttal Testimony is superseded.
3. Parties seeking to cross-examine witnesses at the evidentiary hearing must provide a written estimate of the amount of cross-examination time requested for each witness by November 28, 2005.
4. Parties sponsoring witnesses must provide a proposed schedule of witnesses and identify any witness constraints by November 28, 2005.

Dated October 5, 2005, at San Francisco, California.

/s/ CAROL BROWN
Carol Brown
Administrative Law Judge

/s/ JULIE HALLIGAN
Julie Halligan
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judges' Ruling Modifying Schedule for Proceeding on all parties of record in this proceeding or their attorneys of record.

Dated October 5, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.